

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PROMOS TECHNOLOGIES, INC.,)
)
Plaintiff,)
)
v.) C.A. No. 06-788 (JJF)
)
)
FREESCALE SEMICONDUCTOR, INC.,)
)
Defendant.)
)

**FREESCALE'S MOTION TO COMPEL PROMOS TO PROVIDE
INFRINGEMENT CONTENTIONS AND LICENSING INFORMATION**

Defendant Freescale Semiconductor, Inc. hereby moves to compel plaintiff ProMOS Technologies, Inc. to provide infringement contentions and licensing information. A proposed form of order is attached. The grounds for this motion are set forth in the Opening Brief In Support of Freescale's Motion to Compel ProMOS to Provide Infringement Contentions and Licensing Information, filed herewith.

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Dated: August 23, 2007
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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2007, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

John G. Day, Esquire
Steven J. Balick, Esquire
ASHBY & GEDDES

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on August 23, 2007 upon the following individuals in the manner indicated (with the exception of the Federal Express delivery to Sten A. Jensen, which service date is August 24, 2007):

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[PROPOSED] ORDER

Having considered Freescale's Motion To Compel ProMOS To Provide Infringement Contentions And Licensing Information, IT IS HEREBY ORDERED this ____ day of _____, 2007 that:

- (1) Freescale's Motion To Compel ProMOS To Provide Infringement Contentions And Licensing Information is GRANTED;
- (2) ProMOS shall provide the contentions relating to infringement and the licensing information sought by Freescale, specifically (a) ProMOS shall, by September 24, 2007, fully answer Freescale's interrogatory nos. 1, 2-3 (as they affect ProMOS's claim readings), 20 and 24, based upon all information produced or made available by Freescale or otherwise known to ProMOS, and (b) ProMOS shall, by October 12, 2007, fully answer interrogatory no. 9 and produce documents requested by document requests 26, 62 and 64-65, including all evidence, if any, of the licensing by any person or entity of any of the three patents asserted by ProMOS in this lawsuit, or be precluded from relying on licensing information.

UNITED STATES DISTRICT JUDGE

RULE 7.1.1. CERTIFICATION

Counsel for Freescale have asked ProMOS to provide the information requested by this motion and have discussed the issue in correspondence and by teleconference. Despite the parties' efforts to resolve these issues, they were unable to reach agreement.

Dated: August 23, 2007

/s/ Mary B. Graham

Mary B. Graham (#2256)

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